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7

8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10

11 ANZELLA JONES,  
 12 Plaintiff,  
 13 vs.  
 14 ALLSTATE INSURANCE COMPANY,  
 15 Defendant.

Case No. C08-00458 CW

STIPULATION AND [PROPOSED]  
 ORDER TAKING EARLY NEUTRAL  
 EVALUATION OFF CALENDAR AND  
 GRANTING ADDITIONAL TIME TO  
 COMPLETE ADR

16

17 Plaintiff Anzella Jones and defendant Allstate Insurance Company stipulate, through  
 18 their respective counsel, as follows:

19 1. On April 9, 2008, the parties filed a stipulation indicating their agreement to  
 20 participate in early neutral evaluation.

21 2. The Court ordered that the early neutral evaluation be completed by July 14, 2008.

22 3. On June 4, 2008, Thomas HR Denver was assigned as the parties' neutral evaluator  
 23 for this matter.

24 4. Subsequently, the parties agreed to participate in private mediation in an attempt to  
 25 resolve this matter without further litigation.

26 5. On June 17, 2008, the parties engaged in the pre-early neutral evaluation phone  
 27 conference with Mr. Denver. They informed Mr. Denver that they planned to participate in

1 private mediation. Accordingly, no early neutral evaluation session was scheduled, and Mr.  
 2 Denver advised the parties to seek additional time to complete the ADR from the Court, if  
 3 necessary.

4       5. A private mediation is scheduled before Brad A. Bening of Willoughby, Stuart &  
 5 Bening, for Tuesday, August 5, 2008 at 10:00 a.m. This was the first date that all parties,  
 6 counsel and the mediator were available. Therefore, the mediation will not be completed by the  
 7 current ADR cut-off of July 14, 2008.

8       6. Accordingly, the parties agree that the early neutral evaluation be taken off  
 9 calendar, that the deadline for completion of ADR be extended until August 5, 2008, and that the  
 10 August 5, 2008 mediation serve to satisfy the parties' ADR obligations.

11 FILER'S ATTESTATION:

12       Pursuant to General Order No. 45, section X(B) regarding signatures, I attest under  
 13 penalty of perjury that the concurrence in the filing of this document has been obtained from its  
 14 signatories.

15 DATED: June 30, 2008

16 By: \_\_\_\_\_ */S/ MICHELLE BRADLEY*  
 17 MICHELLE BRADLEY

18 DATED: June 30, 2008

19 SONNENSCHEIN NATH & ROSENTHAL LLP

20 By: \_\_\_\_\_ */s/ Michelle Bradley*  
 21 MICHELLE BRADLEY  
 22 Attorneys for Defendant  
 23 ALLSTATE INSURANCE COMPANY

24 DATED: June 30, 2008

25 FLYNN, ROSE AND PERKINS

26 By: \_\_\_\_\_ */s/ Gary Rose*  
 27 GARY ROSE  
 28 Attorneys for Plaintiff  
 ANZELLA JONES

## ORDER

The parties having stipulated thereto and good cause appearing, IT IS HEREBY  
ORDERED:

1. The early neutral evaluation is taken off calendar,
2. The deadline for completion of ADR is extended until August 5, 2008, and
3. The August 5, 2008 mediation will serve to satisfy the parties' ADR obligations.

DATED: \_\_\_\_\_

Honorable Claudia Wilken  
United States District Court Judge

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